

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1. - 10. (cancelled)

11. (currently amended) ~~The spinal facet cap of claim 1, A spinal facet cap for correcting asymmetry between left and right facet joints of a vertebra, comprising:~~

a shim portion for inserting into a facet joint of a spine; and

an alignment portion for maintaining alignment of said shim portion within said facet joint;

wherein the said alignment portion comprises a boss along at least one edge of the said shim portion.

12. (currently amended) The spinal facet cap of claim [[1]] 11, wherein the said alignment portion comprises at least one facet hook disposed along at least one edge of the said shim portion, for receiving either one of the superior facet or the inferior facet of a vertebra.

13. (currently amended) The spinal facet cap of claim [[1]] 11, wherein the said alignment portion comprises two facet hooks disposed along two edges of the said shim portion, one said facet hook for receiving the superior facet of a first vertebra, a second said facet hook for receiving the inferior facet of a second vertebra.

14. (original) The spinal facet cap of claim 13, wherein said shim portion is wedge-shaped.

15. (currently amended) The spinal facet cap of claim 13, wherein the said alignment portion further comprises a tongue having an orifice.

16. (cancelled)

17. (original) The spinal cap of claim 13, wherein the relative distance between facet hooks is adjustable.

18. (original) The spinal facet cap of claim 14, wherein the thickness of said wedge-shaped shim portion is adjustable.

19. (previously presented) A method for treating scoliosis in a subject in need thereof comprising implanting in an unmodified facet joint of the subject a spinal facet cap, said spinal facet cap comprising a shim portion and an alignment portion, such that scoliosis in the subject is treated.

20. (previously presented) The method of claim 19, wherein a spinal facet cap is implanted in each of two or more unmodified facet joints of the subject, such that scoliosis in the subject is treated.

21. (original) The method of claim 19, further comprising evaluating the subject for the number, size, shape, location, and placement of spinal facet caps required to treat scoliosis in the subject.

22. (original) The method of claim 21, wherein an imaging system is used to evaluate the subject.

23. (original) The method of claim 22, wherein the imaging system is selected from computed tomography (CT), radiography, or magnetic resonance imaging (MRI).

24. (previously presented) The method of claim 19, further comprising providing at least one facet hook along at least one edge of the shim portion, for receiving either one of the superior facet or the inferior facet of a vertebra.

25. (previously presented) The method of claim 19, further comprising providing two facet hooks along two edges of the shim portion, one said facet hook for receiving the superior facet of a first vertebra, a second said facet hook for receiving the inferior facet of a second vertebra.

26. (previously presented) The method of claim 25, further comprising providing on said alignment portion a tongue having an orifice.

27. (previously presented) The method of claim 25, further comprising providing a wedge-shaped shim portion.

28. (previously presented) The method of claim 19, wherein implanting said spinal facet cap in said unmodified facet joint comprises correcting asymmetry between left and right facet joints of a vertebra.